

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claim Amendments

Claim 4 has been rewritten in independent form.

Claims 4, 5, 15, and 19-26 have been amended to correct the spelling of “optionally”.

Claim 5 has been amended to correct the spelling of “hydrogen”.

Claims 5, 15, and 19-26 have been amended to insert spaces, at the Examiner’s request.

Claims 6-14, 16, and 17 have been amended to depend from claim 4.

Claim 17 has been amended to clarify that the pest is an arthropod pest, based upon page 107, lines 11 and 12 of the specification.

Claims 19, 21, 22, 23, 24, and 25 have been amended to remove the definition of R⁶, as this substituent is not present in the formulae of these claims.

Claims 1-3 and 18 have been cancelled, without prejudice or disclaimer.

Claim Objections

The objection to the claims is rendered moot by the claim amendments, discussed above. Withdrawal of the objection is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claim 17 is rejected under 35 U.S.C. § 112, first paragraph, on the basis that the specification, while enabling for a method for controlling an arthropod or nematode pest, does not reasonably provide enablement for controlling all types of pests.

Thus rejection is rendered moot by the claim amendments, discussed above. Withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph and 35 U.S.C. § 101

The rejections of claim 18 under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101 are rendered moot by the cancellation of this claim. Withdrawal of the rejections is respectfully requested.

Patentability Arguments

The patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Rejection Under 35 U.S.C. § 103(a)

Claims 1, 3, 16, 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 11-171702 (Sekiyama). This rejection is rendered moot by the claim amendments, discussed above.

Specifically, claims 1, 3 and 18 have been cancelled. Claims 16 and 17 are now dependent upon claim 4, which is not included in the above-rejection. Accordingly, claims 16 and 17 are patentable over the cited reference. Withdrawal of the rejection is respectfully requested.

Claim Allowance

The Applicants acknowledge with thanks the Examiner's indication of the allowability of the subject matter of claims 2, 4-15 and 19-26. In view of the amendments discussed above, Applicants respectfully assert that claims 4-17 and 19-26 are allowable.

Conclusion

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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